

Attorney Docket No.: 3660P026

PATENT

IFW
362



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Sam E. Kinney, Jr.

Application No.: 09/490,867

Filed: January 24, 2000

For: METHOD AND SYSTEM FOR
CORRECTING MARKET FAILURES
WITH PARTICIPANT ISOLATION IN
DUTCH STYLE ONLINE AUCTIONS

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

on JANUARY 27, 2006

Date of Deposit

CATHY A. BERR _____

Name of Person Mailing Correspondence

Cathy A. Berr _____

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CHANGE OF CORRESPONDENCE ADDRESS,
POWER OF ATTORNEY, AND REVOCATION OF PREVIOUS POWERS

Please direct all future correspondence regarding the above-referenced patent application to Lester J. Vincent, Reg. No. 31,460, Blakely, Sokoloff, Taylor, & Zafman LLP, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025, and direct all telephone calls to the same at (408) 720-8300.

Ariba, Inc.

(Name of Assignee)

("assignee"), a company organized under the laws of Delaware, having a place of

business at 807 11th Avenue, Sunnyvale, CA 94089, USA,

(Address)

hereby states that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee. Upon information and belief, the following assignment documents evidence the placement of title in the assignee:

- (1) an assignment recorded at reel 010523 and frame 0797 at the U.S. Patent and Trademark Office; and

(2) an Agreement of Merger dated July 2, 2004 (a photocopy of which is attached hereto), a photocopy of which was mailed to the U.S. Patent and Trademark Office on August 18, 2005.

Pursuant to 37 C.F.R. §§ 1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the practitioners associated with **Customer Number 08791** as the assignee's respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest: Ariba, Inc. _____

Dated: 1/23/06 By: L E _____ (Type or Print)

Name: Landon Edmond _____
(Type or Print)

Title: Senior Counsel _____
(Type or Print)

Address of Assignee of Interest:

807 11th Avenue _____

Sunnyvale, CA 94089, USA _____

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 27, 2006 By LJV _____

Name: Lester J. Vincent _____
(Type)

Reg. No.: 31,460 _____

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(408) 720-8300



**Recordation Form Cover Sheet
PATENTS ONLY**

Attorney Docket No.: 3660P026

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Freemarkets, Inc. (a Delaware Corporation) Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		2. Name and address of receiving party(ies): Name: <u>Ariba, Inc.</u> (a Delaware Corporation) Internal Address: _____ Street Address: <u>807 11th Avenue,</u> <u>Building 3, 2nd Floor</u> City: <u>Sunnyvale</u> State/Provence: <u>California</u> Zip: <u>94089</u> Country: <u>U.S.A.</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date(s): <u>07.02.2004</u>		4. Application number(s) or patent number(s): : If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s): 09/490,867	
		B. Patent No.(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Lester J. Vincent, Reg. No. 31,460 Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u> Internal Address: _____ Street Address: <u>12400 Wilshire Boulevard, 7th Floor</u> <u>Los Angeles, California 90025</u> _____ _____		6. Total number of applications and patents involved: <input type="checkbox"/> 1 7. Total Fee (37 CFR 3.41).....\$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit Account Number: 02-2666 (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE			
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>			
<u>Lester J. Vincent, Reg. No. 31,460</u> Name of Person Signing		<u>Lester J. Vincent</u> Signature	
		<u>Aug-18, 2005</u> Date	
Total number of pages including cover sheet, attachments, and documents: <input type="checkbox"/> 5			

Mail documents to be recorded with required cover sheet information to:

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Alexandria, Virginia 22313-1450

Delaware

PAGE 1

The First State

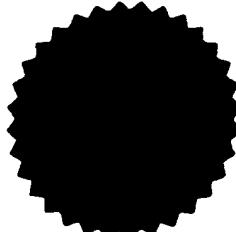
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"FREEMARKETS, INC.", A DELAWARE CORPORATION,
WITH AND INTO "ARIBA, INC." UNDER THE NAME OF "ARIBA, INC.",
A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE
OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY
OF JULY, A.D. 2004, AT 5:32 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE
NEW CASTLE AND KENT COUNTY RECORDER OF DEEDS.

2663662 8100M

040492667



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3213201

DATE: 07-02-04

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:32 PM 07/02/2004
FILED 05:32 PM 07/02/2004
SRV 040492667 - 2663662 FILE

CERTIFICATE OF MERGER

OF

FREEMARKETS, INC.

WITH AND INTO

ARIBA, INC.

**PURSUANT TO SECTION 251(c) OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE**

Ariba, Inc., a corporation duly organized and existing under and by virtue of the General Corporation Law of the State of Delaware ("Ariba"), does hereby certify:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

Name	State of Incorporation
Ariba, Inc.	Delaware
FreeMarkets, Inc.	Delaware

SECOND: That the Agreement and Plan of Merger and Reorganization (the "Merger Agreement") dated as of January 23, 2004, by and among Ariba, Fleet Merger Corporation, a Delaware corporation and wholly owned subsidiary of Ariba ("Merger Sub") and FreeMarkets, Inc., a Delaware corporation ("FreeMarkets"), setting forth the terms and conditions for the merger of FreeMarkets with and into Ariba (the "Merger"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving Delaware corporation (the "Surviving Corporation") of the Merger shall be Ariba, Inc.

FOURTH: That the Certificate of Incorporation of Ariba as in effect immediately prior to the Merger shall be the Certificate of Incorporation of the Surviving Corporation

FIFTH: That the executed Merger Agreement is on file at the principal place of business of the Surviving Corporation located at 807 11th Avenue, Sunnyvale, California 94089.

SIXTH: That a copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation

SEVENTH: That the Merger shall become effective upon the filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Ariba, Inc. has caused this Certificate of Merger to be executed in its corporate name on the 2nd day of July, 2004.

ARIBA, INC.

By: /s/ James W. Frankola

James W. Frankola

**Executive Vice President and Chief
Financial Officer**